

1 KENNETH ISSERLIS,
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8 The Honorable Fred Van Sickle

9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF WASHINGTON**

11 BRIAN CAUDLE,

NO. CV09-00127-FVS

12 Plaintiff,

STIPULATION, RELEASE,
ORDER APPROVING
SETTLEMENT AND
JUDGMENT

13 v.

14 WASHINGTON STATE
UNIVERSITY,

15 Defendant.

16 **I. STIPULATION AND RELEASE**

17
18 THIS MATTER has come on regularly before the undersigned judge, the
19 parties to this Stipulated Judgment being Brian Caudle, through his attorneys
20 Kenneth Isserlis and Lee & Isserlis, P.S. and defendant Washington State
21 University, appearing through Robert M. McKenna Attorney General of
22 Washington and Kathryn Battuello, Assistant Attorney General (the individual
23 defendants having previously been dismissed with prejudice). The parties to this
24 case have made a stipulation pursuant to RCW 4.92.150 settling and compromising
25 this action and all claims that were or could have been asserted within, as set forth
26

1 below:

2 **A. Money to be paid as follows**

3 Upon receipt of a certified copy of this fully executed Stipulation, Release,
4 Order Approving Settlement and Judgment, and pursuant to the provisions of RCW
5 4.92.160, the State of Washington shall issue a warrant (check) made payable to
6 Lee & Isserlis, P.S. in trust for plaintiff Brian Caudle in the amount of Fifty One
7 Thousand One Hundred and Four Dollars and Twenty-Five Cents (\$51,104.25).
8

9 **B. Release and Hold Harmless Provisions**

10 1. For and in consideration of the sum of Fifty One Thousand One
11 Hundred and Four Dollars and Twenty-Five Cents (\$51,104.25), plaintiff Brian
12 Caudle or any other successors in interest, hereby releases and forever discharges
13 the STATE OF WASHINGTON and its officers, agents, employees, agencies and
14 departments from any and all existing and future claims, damages and causes of
15 action of any nature whatsoever, known or unknown, arising out of occurrences, or
16 events described in or arising out of those described in, or which were or could
17 have been asserted in, plaintiff Brian Caudle's lawsuit filed on or about
18 April 23, 2009 in the U.S. District Court for the Eastern District of Washington
19 against the State of Washington (Washington State University), Elson S. Floyd and
20 R. Max Kirk, under cause of action No. CV09-00127FVS
21

22 2. Brian Caudle further acknowledges that any liens, subrogated
23 interests, or outstanding medical bills relating to any aspect of Brian Caudle's
24 claims or alleged damages are Brian Caudle's sole and separate obligation and shall
25
26

1 be resolved by Brian Caudle; the parties released as set forth in the preceding
2 paragraph shall have no liability for any such liens, interest, or bills.

3 3. Brian Caudle or his marital community if any, is/are solely responsible
4 for payment of any State and Federal taxes, if any, incurred as a result of the
5 monetary payment specified in this Release, which shall be made in a lump sum
6 and which shall be documented by issuance of an IRS form 1099 reporting said
7 payment to the IRS.
8

9 4. Brian Caudle is and has been represented by his own attorneys in this
10 matter. Brian Caudle declares that he has completely read the terms of this
11 Stipulation, Release, Order Approving Settlement and Judgment and the Stipulation
12 and Order Dismissing Individual Defendants, and further declares that he fully
13 understands and voluntarily accepts all terms of the Release and settlement
14 generally for the purpose of making a full and final compromise, adjustment and
15 settlement of any and all claims, disputed or otherwise and without any admissions
16 of liability by the parties herein released.
17

18 5. The parties agree to the entry of an order, entered before this final
19 stipulated judgment, which order dismisses, without costs and with prejudice,
20 claims that were or could have been asserted against the individual defendants,
21 Elson S. Floyd and R. Max Kirk, in any capacity identified in the action (Cause
22 No. CV09-00127FVS); the parties further agree to the reformation of the action's
23 caption as set forth in the Stipulation and Order Dismissing Individual Defendants.
24

25 6. This Stipulation, Release, Order Approving Settlement and Judgment
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1 and the Stipulation and Order Dismissing Individual Defendants, contain the entire
2 and final agreement between Brian Caudle and the parties herein released,
3 supersede and replace and any all prior agreements by and between the parties
4 hereto, and shall be construed and interpreted in accordance with the laws of the
5 State of Washington.
6

7 **C. Certification that Action and Claims Have Been Settled Per RCW**
8 **4.92.160**

9 Entry of this Stipulation, Release, Order Approving Settlement and
10 Judgment shall be deemed certification, by the President of Washington State
11 University, that this action and plaintiff's claims that were or could have been
12 asserted therein, as set forth in the above release, have been settled.
13

14 **II. ORDER APPROVING SETTLEMENT**

15 It appears to the Court, after a review of the files and records herein, that the
16 sum of Fifty One Thousand One Hundred and Four Dollars and Twenty-Five Cents
17 (\$51,104.25) represents a proper and just amount of settlement to be paid by the
18 defendant, State of Washington (Washington State University), to the plaintiff,
19 Brian Caudle.
20

21 **III. JUDGMENT**

22 IT IS HEREBY ORDERED that the plaintiff, Brian Caudle, shall have
23 judgment against the defendant, Washington State University, for the sum of Fifty
24 One Thousand One Hundred and Four Dollars and Twenty-Five Cents
25 (\$51,104.25).
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1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that neither
2 party shall recover costs nor interest herein.

3 IT IS STILL FURTHER ORDERED, ADJUDGED AND DECREED that,
4 as noted above, upon receipt of a certified copy of this fully executed Stipulation,
5 Release, Order Approving Settlement and Judgment the defendant, University of
6 Washington, shall provide to Lee & Isserlis, P.S. in trust for plaintiff Brian Caudle,
7 a warrant or check in the amount of Fifty One Thousand One Hundred and Four
8 Dollars and Twenty-Five Cents (\$51,104.25). Upon the receipt by Lee & Isserlis,
9 P.S. of the funds this judgment shall be deemed satisfied in full and, in any event,
10 the plaintiff, Brian Caudle, agrees to file within ten (10) business days of receipt by
11 Lee & Isserlis, P.S., a Satisfaction of Judgment indicating that judgment has been
12 satisfied in full.
13
14

15 ENTERED this 30th day of December, 20 09

16
17 s/ Fred Van Sickle

18 THE HONORABLE FRED VAN SICKLE
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1 PRESENTED BY:

2 Lee & Isserlis, P.S.

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4 
Kenneth Isserlis, WSBA #13819
Attorneys for Plaintiff

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6 Approved as to form and notice
of presentation waived:

7
8 ROBERT M. MCKENNA
Attorney General

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10 
Kathryn Battuello, WSBA #13416
Assistant Attorney General
Attorneys for Defendants,

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14
15 Brian Caudle certifies that he has read the foregoing and all of its contents,
and agrees to the provisions thereof.

16
17 
BRIAN CAUDLE

18 Date: 12/17/09
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